

*REMARKS/ARGUMENTS*

In response to the Official Action mailed January 18, 2007, Applicant amends his application and requests reconsideration. In this Amendment no claims are cancelled and claims 8 and 9 are added. Accordingly, claims 1-9 are now pending.

The invention concerns the use of a single "house card" in a hotel that includes a casino. This single house card is employed to obtain and pay for a full range of hotel services, including room service, restaurant service, downloading in-room games and movies, and even casino game participation. The same house card is also used to obtain the usual services in a casino, namely gambling, along with the ordering of food and drink and such other services as may be available. Further, in typical hotel and casino installations, theatrical and other kinds of performances are made available for a price and the house card can be used to purchase admissions to these events. The house card is used in conjunction with complementary readers and an interconnected group of servers that monitor and keep track of the services purchased as well as a running balance of the user. Accordingly, the user can be tracked or traced based upon usage of the card and the location at which the card is being used or has been used.

There are several important features of the invention that distinguish it from the prior art. The single house card issued according to the invention not only is used to obtain hotel services and casino services, that same house card functions as a room key to a guest room, providing a basis for requiring issuance of such a house card to every lodging user. See the patent application at page 16, lines 8-11. That passage and other similar passages in the patent application support amended claim 1.

Another important feature is a restriction on the use of the casino services based upon a casino deposit that is continually monitored by one of the servers. As an example of such a restriction, when the deposit balance reaches zero, the user is prevented from obtaining additional casino services until the balance is restored to a

positive amount. See the patent application at page 15, lines 5-12. These passages support amended claim 1 and new claim 8. Further, when use of the casino services result in an increase in the casino deposit amount above an upper limit, casino services might be withheld. See original and amended claim 3 and the patent application at page 15, lines 12-14. These passages support amended claim 3 and new claim 9.

The examined claims were rejected for double patenting as obvious over the claims of co-pending U.S. Patent Application 10/735,812, a simultaneously filed patent application, naming the same inventor and assigned to the same party. That patent application received a nearly simultaneous Official Action which is being responded to contemporaneously with this Response. Applicant disagrees that the two sets of claims are obvious in view of each other, especially at the present time when the claims are subject to modification and the rejection is only provisional. For that reason, while Applicant consider the filing of a Terminal Disclaimer upon the identification of patentable subject matter, no Terminal Disclaimer is being filed at the present time.

Claims 1, 2, and 4-7 were rejected as anticipated by Boushy et al. (U.S. Patent 6,003,013, hereinafter Boushy). This rejection is respectfully traversed as to the claims now pending. Claim 3 was rejected as unpatentable over Boushy in view of certain riverboat gambling rules issued by the state of Missouri (hereinafter Missouri). Those gambling rules require the operators of riverboats on which gambling takes place to limit the maximum loss by any person to \$500. Both of these rejections are respectfully traversed as to all claims now pending.

With respect to amended claim 1, there is no disclosure and not even the slightest suggestion in Boushy that the card issued could be the door key to a guest room. Thus amended claim 1 and dependent claims 2 and 4-7 are clearly patentable over Boushy.

The Examiner should not apply the rejection of examined claim 1 to new claim 8. At page 4 of the Official Action in lines 2-5, the Examiner stated that Boushy describes restricting use of casino services on the basis of usage restriction conditions

placed on a casino deposit. The cited passage of Boushy, and related passages, describes establishing classes or statuses of casino players based upon the history of play. Awards and incentives are offered to players who have proven of particular value to the casino. These classifications are much like the status classes granted by airlines to those who frequently travel. However, there is no discussion in Boushy of penalties or restrictions, particularly economic restrictions, on use of a house card for casino services. There is not even contemplation that a casino deposit balance would reach zero, requiring a restriction on house card use.

In view of the description in new claim 8 of the restriction on house card use imposed when a zero balance casino deposit is reached and the absence of any similar description in Boushy, new claim 8 is patentable over Boushy.

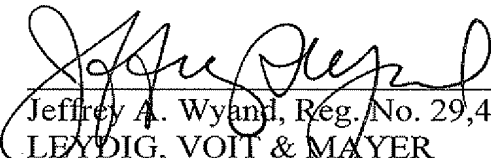
Claim 3 was misinterpreted in the Office Action. The Examiner assumed, based upon the commentary in the Office Action at page 5, that claim 3 was directed to a loss limitation. In fact, claim 3 is directed to just the opposite situation. Claim 3 is intended to protect the casino in the event of a winning streak in which the amount of money accumulated in the casino deposit exceeds an upper limit. This function is made apparent not only in the original language of claim 3 but also in the patent application, for example at page 15, in lines 12-14. There, juxtaposed, is the restriction on the use of the card when the casino deposit falls too low, followed by a correlative limitation restricting use when the balance rises too high. In view of the misunderstanding concerning the content of claim 3, Applicant respectfully requests withdrawal of the original rejection, reconsideration, and allowance of that claim 3 and new claim 9.

Although Missouri was cited only with regard to the rejection of claim 3, application of that government regulation in rejecting other claims would be erroneous. Assuming, for the sake of argument, that the \$500 limit of Missouri applied, the limitation of claim 8 regarding restricting use of the card when the casino deposit reaches zero would have no connection to Missouri. For example, if the casino deposit were \$700, the restriction imposed by Missouri would be reached when

the deposit was \$200, not the zero amount specified in claim 8. Moreover, if the original casino deposit were \$300, and Missouri applied, there could still not be a disclosure of or a suggestion for the invention as described by claim 8. These examples demonstrate that Missouri is not related to the subject matter claimed here.

Reconsideration and allowance of all pending are earnestly solicited.

Respectfully submitted,

  
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